

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
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COMMITTEE ON TRANSPORTATION AND TELECOMMUNICATIONS
February 28, 2006
Confirmation Hearings

The Committee on Transportation and Telecommunications met at 1:30 p.m. on Tuesday, February 28, 2006, in Room 1113 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on Gubernatorial Appointments. Senators present: Tom Baker, Chairperson; Adrian Smith; Vice Chairperson; Ray Aguilar; Mike Foley; Carol Hudkins; and Arnie Stuthman. Senators absent: Pam Brown; and Dwite Pedersen.

SENATOR BAKER: We're going to go ahead and get started. I want to welcome everyone to confirmation hearings today before the Transportation Telecommunications Committee. This is going to be a little fun, I think. We've got everybody wanting to do something at another place. I'm not sure why you don't want to stay here. But I'll quickly introduce the committee members that are here. Senator Arnie Stuthman from Platte Center. My far left, Senator Mike Foley from Lincoln, Carol Hudkins from Malcolm. I don't know what you're doing, that's okay. Senator Adrian Smith sitting in the testifier's chair. He thought if he sat down there, he'd be first. I'm Tom Baker from Trenton. My clerk is Pauline Bulgrin and legal counsel is Jill Becker. We do have a few rules. It looks like I'd better go over them for Senator Engel. Pay attention, Senator Engel. If you have a cell phone, get the thing turned off, silenced, or something or other. And sign in, we would like to have a record. We've got people representing people so we need you to sign in. And if that goes off, we just stare at you until you get out of the room. And be sure you sign in and who you're representing because obviously there are people representing folks that aren't here today. We have two pages. If you do have something you need or want handed out, we have Kates. Kate Wolford, I think she might have a connection with someone in the room, and Kate Apostolova from Bulgaria. And I don't think she probably has any relatives in the room today. So if you need something, it's Kate and Kate. What am I forgetting here? Be sure and spell your name if, you don't have to. I think the transcribers know you, Senator Smith. And I'm getting handed a note. Well, Senator Aguilar showed up, thank you. Senator Ray Aguilar from Grand Island. With that, we're going to juggle a schedule a little bit since Senator Smith has to be someplace right away. So Senator Smith, you are

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here, I think, representing Doug Leafgreen?

SENATOR SMITH: Yes.

SENATOR BAKER: Okay, can you tell us a little bit about Mr. Leafgreen?

CONFIRMATION HEARING ON
DUANE ACKLIE, JOHN KINGSBURY, AND DOUGLAS LEAFGREEN
TO THE STATE HIGHWAY COMMISSION

SENATOR SMITH: (Exhibit 1) Thank you, Mr. Chairman and members of the Transportation Committee. For the record, my name is Adrian Smith, here on behalf of Highway Commissioner Doug Leafgreen. In the interest of saving some mileage dollars and time resources, I'm happy to sit in for Mr. Leafgreen. Actually, I've known him for a lot longer than I've had an official relationship with him. But he was mayor when I was on city council and then he ran for county commissioner, I ran for Legislature, and we remained to have a tremendous relationship and I appreciate the work that he's done. He's a teacher by training but left education quite some time ago, works in the healthcare profession, and has served, I think, very adequately on the Highway Commission. And certainly understands the challenges of a statewide plan, of the expressway system, of the needs of rural Nebraska, urban Nebraska, and the demands that are on the system, and I know that he works very hard and I would take any questions.

SENATOR BAKER: Thank you, Senator Smith. Questions from the committee? I have one. His employer is listed as Regional Cave...?

SENATOR SMITH: Care.

SENATOR BAKER: Care, okay.

SENATOR SMITH: Typo perhaps.

SENATOR BAKER: Doesn't print very well, looks like Cave and I was going to say, what is that?

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SENATOR SMITH: Regional Care...

SENATOR BAKER: Regional Care.

SENATOR SMITH: ...is a, I believe it's a managed care type of arrangement. But health insurance would be his forte.

SENATOR BAKER: Okay, thank you. Any other questions? Seeing none, thank you, Senator Smith.

SENATOR SMITH: Thank you.

SENATOR BAKER: Does that mean you're leaving us now?

SENATOR SMITH: Yes, I apologize.

SENATOR BAKER: Okay, go. Next is, I think, and correct me if I'm wrong, Shirley, you going to come up and represent Duane Acklie? Is that correct?

SHIRLEY SCHAFFER: Yes.

SENATOR BAKER: Okay.

SHIRLEY SCHAFFER: (Exhibits 2, 3, and 4) Senator Baker and members of the Transportation Committee, I'm Shirley Schaffer, S-c-h-a-f-f-e-r, for the record, and I am the executive secretary for the State Highway Commission. And today I'm here representing Duane Acklie of Lincoln, John Kingsbury of Ponca, and Doug Leafgreen of Gering. In September of 2005, these gentlemen were reappointed to the State Highway Commission and willingly accepted the Governor's request to serve for another six years or another six-year term on the Highway Commission. Duane, John, and Doug are not available today so they have asked me to appear before you as consideration of reappointment. Therefore, in their absence and as their representatives, I request that this committee recognize each one of their prior dedication and commitment to serve their constituents as well as they have served the state. And I recommend that this committee confirm the reappointment of these commissioners as the State Highway Commission to the legislative body.

SENATOR BAKER: Thank you, Shirley. Questions from the

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committee? Senator Stuthman.

SENATOR STUTHMAN: Thank you, Senator Baker. Is there another Acklie, Gene Acklie?

SHIRLEY SCHAFER: Yes, there is. They're cousins, I believe, and he's also here.

SENATOR STUTHMAN: Okay, thank you.

SHIRLEY SCHAFER: Um-hum.

SENATOR BAKER: How long has Duane been on the commission?

SHIRLEY SCHAFER: Duane was first appointed in 1981 by Governor Thone.

SENATOR BAKER: Whoah, I knew he'd been on it for quite some time. I didn't know it was that long.

SHIRLEY SCHAFER: Twenty-five years, I believe he's served.

SENATOR BAKER: He is dedicated.

SHIRLEY SCHAFER: No term limits for him, I guess.
(Laughter)

SENATOR BAKER: He is dedicated, he does a good job.

SHIRLEY SCHAFER: And he is very dedicated.

SENATOR BAKER: And John Kingsbury, is this his first reappointment?

SHIRLEY SCHAFER: John was appointed in 1996 to fulfill a term, Bob Kayton of Cedar Rapids passed away, so he filled a two-year term and then was reappointed in 1999 by Governor Johanns. So this will be his 10th year.

SENATOR BAKER: I see. We have some dedicated folks on the Highway Commission, wouldn't you say?

SHIRLEY SCHAFER: Yes, they are.

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SENATOR BAKER: Any other questions or comments? Senator Foley.

SENATOR FOLEY: I will just point out that Duane Acklie is currently serving in New York City as a presidential appointee to a United Nations post.

SHIRLEY SCHAFFER: I believe that's expired.

SENATOR FOLEY: Oh, is that right?

SHIRLEY SCHAFFER: I believe that was just for a short term.

SENATOR FOLEY: Okay, okay, well, good. I'm glad that he's still able to...

SHIRLEY SCHAFFER: And even during that time, he did come to our meetings when he was in Lincoln and, as a matter of fact, last month we did a teleconference to include him in our meetings.

SENATOR FOLEY: Very good.

SHIRLEY SCHAFFER: So we make the efforts to accommodate our membership.

SENATOR FOLEY: Very good, thank you.

SENATOR BAKER: Any other questions of Shirley? I don't see any. Thank you, Shirley.

SHIRLEY SCHAFFER: You're welcome, thank you.

SENATOR BAKER: Thank you. Senator Engel, you want to speak for Mr. Kingsbury also?

SENATOR ENGEL: Yes, I do.

SENATOR BAKER: After that, how are you going to do any better?

SENATOR ENGEL: I can't.

SENATOR BAKER: Okay.

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SENATOR ENGEL: Can I just say ditto?

SENATOR BAKER: Sit down. (Laughter) We might have some questions for you.

SENATOR ENGEL: Senator Baker, members of the committee, it's a pleasure to be here today. My name is Pat Engel. I represent District 17 in northeast Nebraska. That's spelled P-a-t E-n-g-e-l. And I'm here to recommend John Kingsbury for reappointment to the Nebraska State Highway Commission. John, of Ponca, currently represents us and District 3 on the commission. And he's currently the president of the Bank of Dixon County with offices in Ponca, Newcastle, and Jackson. He and his wife, Myra, live in Ponca. John is also president of the Better Ponca Foundation, which has been instrumental in efforts to improve Ponca and Ponca State Park. He is an honorary lifetime member of the NEBRASKASLAND Foundation. He has received the Ak-Sar-Ben Ike Friedman Award for community service, the University of South Dakota Alumni Achievement Award, and other honors. And he has served, as you just recently heard, on the Highway Commission since 1996. He was first appointed by Governor Ben Nelson, reappointed by Governor Johanns, and was reappointed last fall by Governor Heineman. He has served two terms as chairman of the commission and I would highly recommend that you reappoint him.

SENATOR BAKER: Thank you, Senator Engel. Any questions of Senator Engel? I see he took his chances and listed you as a reference.

SENATOR ENGEL: He did, he did that because...

SENATOR BAKER: He also referenced a Mr. Allen Beermann, who I think is waiting to come up next.

SENATOR ENGEL: And that's a bigger chance.

SENATOR BAKER: So we're going to have to...(Laughter)
We're going to have to work through this problem. Thank you.

SENATOR ENGEL: Thank you very much.

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SENATOR BAKER: We've run these three together, first three...

ALLEN BEERMANN: Thank you.

SENATOR BAKER: Come on up, Mr. Beermann. And you are here to represent all...

ALLEN BEERMANN: Two, Kingsbury and Acklie.

SENATOR BAKER: Two, okay, Kingsbury and Acklie. Go ahead.

ALLEN BEERMANN: Chairman Baker, members of this committee, I'm Allen Beermann, A-l-l-e-n B-e-e-r-m-a-n-n. I'm appearing today on my personal behalf, not representing any organization. I wanted to speak on behalf of both John Kingsbury and Duane Acklie. I am a strong proponent of participatory government wherein citizens have the chance to participate in our government in a meaningful way. And these two gentlemen have done this for a long time with high distinction. I constantly have people tell me, that have appeared before various district hearings, that when these gentlemen are chairing the hearings or they are the hearing officer, that they have patience, they are well prepared, they're well read, they understand the transportation issues of this state, they follow the legislative bills, and they give time to the State Highway Commission, all for which I am, as a citizen, personally grateful. I can also speak to their high integrity, their interest in good state government, and I would recommend that this committee would send to the legislative floor the confirmation of these two gentlemen, John Kingsbury of Ponca and Duane Acklie of everywhere to be serving on the Highway Commission. I'd be happy to answer questions if I could.

SENATOR BAKER: Thank you, Mr. Beermann. Questions? I see none. Thank you very much.

ALLEN BEERMANN: Thank you for your courtesy.

SENATOR BAKER: We have combined Mr. Acklie, Mr. Kingbury, and Mr. Leafgreen. Is there anyone else that would like to come forward to testify on behalf of any of those three

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gentlemen? If not, we'll move to the next appointee is Greg Wolford. Come on up, Greg.

CONFIRMATION HEARING ON
GREG WOLFORD TO THE
STATE HIGHWAY COMMISSION

SENATOR BAKER: I think we're going to put you in a hot seat. You're a real-live highway commissioner so you can answer all the questions. I think your daughter might have a couple questions, too, for you. (Laughter) Like where are we going to go out and eat tonight?

GREG WOLFORD: I may have some for her, too.

SENATOR BAKER: For those of you that don't know it, Kate is his daughter.

GREG WOLFORD: Yes.

SENATOR BAKER: So we required Greg to come down in front of the committee and be grilled. So thank you for being here, Greg.

GREG WOLFORD: Thank you, Senators.

SENATOR BAKER: He's also a constituent of mine, so I guess I need to mention that. Go ahead, Greg.

GREG WOLFORD: (Exhibit 5) My name is Greg Wolford, W-o-l-f-o-r-d, and I am the highway commissioner from District 7, which is the southwest corner of Nebraska, the southwest counties. And I have, this would be my second term on the Highway Commission. I was originally appointed in '99 by Governor Johanns. And I guess I am more prepared, we deal with a lot of the same issues I know the senators deal with on the Transportation Committee; the formula, the funding, the expressway issues, the whole gamut on a monthly basis and more often in out districts. And I guess I would maybe open it up more to questions and talk about the topics you want to if you would like or leave it at that.

SENATOR BAKER: That would be fine. Thank you, Greg.

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Questions from the committee? Senator Stuthman.

SENATOR STUTHMAN: Thank you, Senator Baker. Have you attended the majority of the meetings or all of them?

GREG WOLFORD: I've attended all of the meetings.

SENATOR STUTHMAN: All of the meetings. So you're very faithful to your commitment.

GREG WOLFORD: Yes.

SENATOR STUTHMAN: Okay, thank you.

SENATOR BAKER: Question, you do move those meetings around the state though, is that correct? Don't you have one outstate meeting each year?

GREG WOLFORD: Yes, sir. Once a year in the summer we have an outstate meeting. And since I've been on the commission, I've been to every district except District 4, which is Grand Island.

SENATOR BAKER: So are they about to have their meeting this summer or...

GREG WOLFORD: Actually, we're going back to Omaha this year because of the WASHTO. So it would be the summer after next.

SENATOR BAKER: Okay. Any other questions? We appreciate you coming down. I know Kate does, too. This may be the first that we've had a father testifying when we had a page helping the committee. So it's a new one. Although, we have had a father/son... Senator Erdman, I believe, testified on his bill and his dad was his testifier. So that's a little bit shaky when a senator's dad has to come up and support his son's bill. But I guess there aren't any other questions so thank you, Greg.

GREG WOLFORD: Thank you.

SENATOR BAKER: Anyone else who would like to speak on behalf of Greg? If not, well, that will close the hearing

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on the state highway commissioners.

CONFIRMATION HEARING ON
GENE ACKLIE, BARBARA KEEGAN, DEAN LUX AND ARTHUR YONKEY
TO THE BOARD OF PUBLIC ROADS CLASSIFICATIONS AND STANDARDS

SENATOR BAKER: We'll move to the Board of Public Roads Classifications and Standards and I, let's see, I have some notes here. Who's speaking first for Gene Acklie? Is that, where's my, I lost my notes. Gene, are you...okay.

GENE ACKLIE: Yes, Gene Acklie.

SENATOR BAKER: Welcome.

GENE ACKLIE: Always first to be called on in class and had to sit in the front row.

SENATOR BAKER: Is that because you were a good student or you misbehaved, why? (Laughter)

GENE ACKLIE: (Exhibit 6) It's hard to tell, Senator Baker. I do thank you for the opportunity to appear before you and the committee. I have been on the Board of Public Roads Classifications and Standards since 1993. Governor Orr appointed me at that time. And we have accomplished a number of things over the years. We're in the process now on the board of looking at redoing all of the annual reporting. All the reports were put together when it was first initiated in 1969 and we're updating that because of computers and also things have changed in the world of maintaining and the finances involved in county government, city government. I represent municipalities of the population less than 2,500 and we have, again, just been involved with those communities. As you know, that is the majority of the communities in the state of Nebraska as far as number is concerned, less than 2,500. So with that, I would be open to any questions that you may have.

SENATOR BAKER: Thank you, Mr. Acklie. Questions? Senator Stuthman.

SENATOR STUTHMAN: Thank you, Senator Baker. Mr. Acklie,

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does your public roads classification and standards, does that deal with bridges also?

GENE ACKLIE: Yes.

SENATOR STUTHMAN: It does, with sufficiency rating on bridges and...

GENE ACKLIE: It only is involved as far as the making sure that the standards for construction of bridges is followed to our...the actual design of the bridges is covered under state law by either on the county level, most of the time it's been by a consulting engineer. And of course, by the state of Nebraska, they design all of their own bridges there. So...but we do, the finance part of it has to be reported through the Board of Public Roads Classifications and Standards.

SENATOR STUTHMAN: But as far as, you know, after the bridges are in and the maintaining of the bridges, is that under your jurisdiction or not?

GENE ACKLIE: No, not really. It is a requirement of the Federal Highway Administration and then, of course, passed down through the Department of Roads. And that is not actually part of our responsibility. The only part that we would see would be where the highway superintendent or city street superintendent would have expenses for the inspection of those bridges.

SENATOR STUTHMAN: Thank you.

GENE ACKLIE: Okay.

SENATOR BAKER: How often do you meet? Is there, is it variable?

GENE ACKLIE: Actually, we meet once a month except for August and we have not been meeting in December, just due to not having very much business at that time of the year. The slow road construction is through a slow period during that time, Senator Baker.

SENATOR BAKER: Okay, thank you. Any other questions?

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Seeing none, thank you for appearing today.

GENE ACKLIE: Thank you.

SENATOR BAKER: Thank you.

GENE ACKLIE: Oh, and I'm the other Acklie. I know Senator Stuthman had asked and I just refer to myself that way.

SENATOR BAKER: The other Acklie?

GENE ACKLIE: The other Acklie.

SENATOR BAKER: Okay, we know, thank you.

GENE ACKLIE: Thank you.

SENATOR BAKER: Anyone else wish to testify for Mr. Acklie, the other Acklie? Seeing none, we'll move on to Barbara Keegan. Barbara? Welcome.

BARBARA KEEGAN: (Exhibit 7) Senator Baker and the Transportation Telecommunications Committee, I am Barbara Keegan, K-e-e-g-a-n. Box Butte County is the county that I am from. I've been there 12 years. We are a very rural county, less than 3,000 populations in the rural outside of Alliance and Hemingford. This will be my initial appointment. I don't know what else to say at this point.

SENATOR BAKER: Thank you. You came all the way down from Hemingford, hmm?

BARBARA KEEGAN: Yes, I did.

SENATOR BAKER: That's a sacrifice. Thank you for doing that.

BARBARA KEEGAN: You're welcome.

SENATOR BAKER: And this is your first, this is your original appointment?

BARBARA KEEGAN: Yes, sir.

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SENATOR BAKER: In looking through your background, it is...you have a lot of experience in a lot of things, haven't you?

BARBARA KEEGAN: Well, yes.

SENATOR BAKER: Questions from the committee? Senator Stuthman.

SENATOR STUTHMAN: Thank you, Senator Baker. Barbara, do you feel you bring a good background for this committee?

BARBARA KEEGAN: I hope I do, yes.

SENATOR STUTHMAN: And being from your area and the rural area, I think you'll be a real value on that committee and I was just hoping you know that you would bring some expertise, you know, to that. Do you feel you'll have that capability?

BARBARA KEEGAN: Yes, I will. The...been in a rural my entire life. Although I have not spent, like I said, only 12 years in Box Butte County, the rural people, I very much support them and listen to them.

SENATOR STUTHMAN: Thank you.

BARBARA KEEGAN: Yes, sir.

SENATOR BAKER: What was your capacity of village of Table Rock, Senator Vrtiska's old district?

BARBARA KEEGAN: I am still the city street superintendent there.

SENATOR BAKER: I was trying to make the connection, how does that work?

BARBARA KEEGAN: I actually grew up in that area and that was, they were the first people...the village of the Table Rock were the first people that allowed me to use my city street license. And have family back in that area and still work with them. Doris Vrtiska was...

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SENATOR BAKER: I see, so that's the connection.

BARBARA KEEGAN: That is the connection.

SENATOR BAKER: I was trying to make the connection between Table Rock and Alliance and I was, it's quite a ways.

BARBARA KEEGAN: Also, when Senator Vrtiska was a commissioner, I worked for Pawnee County. So I know...

SENATOR BAKER: So you worked from one corner of the state to the other yet, is that right?

BARBARA KEEGAN: Yes, sir.

SENATOR BAKER: That's interesting. Any other questions? Don't see any. Thank you for your willingness to serve.

BARBARA KEEGAN: Thank you.

SENATOR BAKER: Thank you. Anyone else wishing to testify for Barbara?

LARRY DIX: Senator Baker and members of the committee, for the record, my name is Larry Dix. I'm executive director of the Nebraska Association of County Officials and here in support of not only Barb Keegan but the next gentleman on the list. Dean is going to follow, probably follow me. And certainly these folks have been involved in county government for a number of years. And I know Barb, being new to the committee, I can tell you, she does bring a lot of information and a wealth of knowledge. I've had the opportunity to work with Barb when she was president of her affiliate groups of the highway commissioners. And I can tell you that, from that experience, you will find that she is very organized and very well thought of within her organization. So with that, I'd be happy to answer any questions you have.

SENATOR BAKER: Okay, and you also are going to speak for Dean Lux?

LARRY DIX: Dean Lux, and he is...yeah, and Dean certainly brings a number of years of information from a county board

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perspective. And Dean has been one of those county board members that I know I have known for years and years and years with my involvement of county government.

SENATOR BAKER: Okay. Questions of Larry? We get you, we got...

LARRY DIX: I know.

SENATOR BAKER: Thank you, Larry. (Laughter) Anyone else wishing to speak to Barbara Keegan? Seeing none, we'll move to Dean Lux and you come on up, Dean.

DEAN LUX: (Exhibit 8) Senator Baker, members of the committee, I'm Dean Lux, L-u-x. I've, a little bit of my history, I've served seven years on the North Bend City Council and as fire chief for five years and in my 30th year on the county board, Dodge County Board of Supervisors and my 14th year as chairman of that board and I've served one term on the Board of Classifications and Standards.

SENATOR BAKER: And what do you think of Larry Dix? Never mind, don't say anything. (Laughter)

LARRY DIX: Don't answer that, Dean.

SENATOR BAKER: Never mind, strike that. Any questions of Dean? How many years you been...

DEAN LUX: This is my...

SENATOR BAKER: Fourteen years as chairman of the Dodge County?

DEAN LUX: Um-hum, this is my 30th year.

SENATOR BAKER: That should be considered over and above and beyond the call of duty, shouldn't it?

DEAN LUX: It's getting close to that.

SENATOR BAKER: That's a long period of public service.

DEAN LUX: Yeah.

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SENATOR BAKER: Senator Stuthman.

SENATOR STUTHMAN: Thank you, Senator Baker. I just have a comment. You know, I'm really glad to see, you know, county officials, you know, move to other areas and stuff like that because I think there's a lot of expertise out there in county boards that can be utilized, that can benefit the state. And I thank you for doing this.

DEAN LUX: Thank you, Senator.

SENATOR BAKER: Obviously, term limits hasn't hit county supervisors yet. Would you be in favor of term limits for county supervisors? (Laughter)

DEAN LUX: I'm about ready to term limit myself out.

SENATOR BAKER: Okay. Any other questions? Thank you, Dean.

DEAN LUX: Thank you.

SENATOR BAKER: Anyone else wish to come forward and speak on behalf of Mr. Lux? If not, Arthur Yonkey. We scheduled all these today so we could get you all together in a room. If there's any discussion about roads and highway commissioners and whatnot, you can get it done today. Welcome.

ARTHUR YONKEY: (Exhibit 9) Senator Baker, members of the committee, my name is Arthur Yonkey, Y-o-n-k-e-y. I'd like to represent the Nebraska Department of Roads again on the Board of Public Roads Classifications and Standards. I have served on the board since 1993 and I worked for the department for 47 years. Most of my time has been spent in design and project development and now planning. I'm very interested in maintaining the minimum design standards as they directly affect the safety of the travelling public. Do you have any questions?

SENATOR BAKER: Thank you, Mr. Yonkey. Questions? I have one when you started talking and your background with Department of Roads. The standards obviously change from

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year to year. How many changes do you see in, say, over a two-year period? Are they, do they come down from Federal Highway Transportation or who sets these...

ARTHUR YONKEY: well, they don't change quite that often. But over the years, they have changed a number of times. And the department actually sets the standards but they're approved by the Federal Highway Administration.

SENATOR BAKER: Meaning, obviously, width and things we doing a bridge design and things like that?

ARTHUR YONKEY: Yeah.

SENATOR BAKER: We talk about the technical part of it as well as the practical, what we see from the driver's standpoint, I suppose both?

ARTHUR YONKEY: Yeah, there's an association of state highway officials of all the states and they have guidelines that our standards are based on and they have what I would call minimum standards. And so our state standards are usually a little bit above, in some cases they're the same as the minimum standards. But that's how you get conformity from one state to the other when you're travelling. So everything should look the same. You want continuity in roadways so you don't get surprised.

SENATOR BAKER: And obviously the standards change from whether it's a rural county highway, you might say, to a, well, in the case of interstate or something. We have standards predicated on, what, traffic counts, it's some, traffic volume?

ARTHUR YONKEY: Traffic volume, yes.

SENATOR BAKER: Um-hum.

ARTHUR YONKEY: Yeah, the interstate or freeways are the highest standard and I guess county roads would be the lowest standard or local roads and city streets.

SENATOR BAKER: Um-hum. Any other questions? Senator Hudkins.

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SENATOR HUDKINS: Mr. Yonkey, you have a degree in civil engineering, correct?

ARTHUR YONKEY: Yes.

SENATOR HUDKINS: Okay, when the standards are changed at the federal level, how long is it before the states would be made aware of those upgrades?

ARTHUR YONKEY: Well, like I was saying before, the federal level doesn't really change the standards. They might recommend the change but the state...it's usually a group of design experts in the states work together to come up with the actual standards. The national standards, there's committees that we have members on for national standards and also in our state, we have our own design standards. And that's, what our standards are what the Public Roads and Board of Classifications administer.

SENATOR HUDKINS: Okay, when there is a standard that has been changed and you have two or three areas that are not up to those newest standards, how long will it be before those changes are incorporated into that road? Do you wait until there is another change being made or do you just do it when you have time or how do you do that?

ARTHUR YONKEY: Well, of course, all the roads wear out over time and usually whenever they wear out and need upgrading, that's when they're brought up to the current standards.

SENATOR HUDKINS: Are you familiar, and I heard it on the news just last night or the night before, and I don't have all the details. But there's an instance on Highway 29 which is in Iowa, of course, but it is close to the Omaha area. And it was a really bad bottleneck between Interstate 29 and I think it was 380. And there is an industrial plant there where there is a terrific bottleneck of cars. Are you familiar with that at all?

ARTHUR YONKEY: You're talking about in Council Bluffs?

SENATOR HUDKINS: Yeah.

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ARTHUR YONKEY: Yes, the state of Iowa is working on an upgrade of all the interstate system in Council Bluffs. And Nebraska will be affected by that also because we'll be adding a bridge on 80 to tie into their new interchange on 29.

SENATOR HUDKINS: If you were employed by the Iowa Department of Roads, would you be doing anything any differently than they're doing over there now?

ARTHUR YONKEY: Well...

SENATOR BAKER: I don't think there's anyone from Iowa here, so...(Laughter)

SENATOR HUDKINS: Go ahead. Well, if they were saying, the people that worked at that particular plant, it was going to be a year to a year and a half of extreme traffic problems. And so I was just wondering, is there something, you know, they couldn't see the forest for the trees? Is there something else that they should have thought about?

ARTHUR YONKEY: Well, I guess that's a high-growth area and so it gets kind of hard to outguess how fast things are going to grow in these areas that are rapidly developing. They are planning and we've been to meetings with them. They're trying to upgrade the whole system in Council Bluffs just like we upgraded it in Omaha.

SENATOR HUDKINS: All right, thank you.

SENATOR BAKER: You're saying they're behind us a bit, honestly, and they are. I think that's the point is they're behind us...

ARTHUR YONKEY: Yeah.

SENATOR BAKER: ...and it's a bottleneck, not only for them, but traffic going from Nebraska to Iowa.

ARTHUR YONKEY: Right.

SENATOR BAKER: Any other questions? One other one, aggregate mix as I see, and I talk to roads and

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commission...aggregate mixes are changing all the time, aren't they? Is there technology going into mixes, asphalt specifications or changes? Or is that something that's pretty static?

ARTHUR YONKEY: No, I think the engineers that design asphalt are always trying to come up with something that works better than what we have now that doesn't rut as easy or that lasts longer before it has to be overlaid. So it's not static. They're changing all the time, trying to come up with a better mix.

SENATOR BAKER: Okay. Any other questions? I see none. Thank you for the information.

ARTHUR YONKEY: Okay, thank you.

SENATOR BAKER: Anyone else? Does anyone wish to come up in support of Mr. Yonkey? If not, we'll keep moving right along.

CONFIRMATION HEARING ON
CHARLES BORGMANN TO THE
NEBRASKA MOTOR VEHICLE INDUSTRY LICENSING BOARD

SENATOR BAKER: Nebraska Motor Vehicle Industry Licensing Board, Charles Borgmann and represented by Mr. Jackson. Welcome to the committee again. I think you've been here before.

WILLIAM JACKSON: (Exhibit 10) Yes, I have, Senator Baker. Thank you, Senator Baker and members of the committee. My name is William Jackson. I'm the executive director of the Motor Vehicle Industry Licensing Board for the state of Nebraska. And I'm here to speak on behalf of Mr...Chuck or Charles Borgmann. The first thing I want to say, he apologizes to the committee for not being here in person. Having a small used car dealership in Norfolk, very successful dealership, prevented him from to being away today. So again, he apologizes. I've known Mr. Borgmann for about 25 years. He grew up in the business of used cars. His father, Bob Borgmann, had a dealership in Creighton, Nebraska. Matter of fact, his dad was on the

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Dealer Licensing Board when they hired me as an investigator. But before you get too far ahead of yourselves, don't let the father's sins prevent you, you know, going towards the son. I put Chuck in the business in 1986. He started his own used car dealership in Norfolk, Nebraska. Since that time, he's been in business. He's been very active with the Nebraska Independent Auto Dealers Association. He's past president of that organization. He has served on that board for a number of years. In 2000, at their state convention, he was awarded their highest award as the Quality Dealer of the Year Award. Chuck has been married to his wife Lori for 24 years and they have two sons; Nick is 18 and Justin is 16 years old. I strongly urge the board to forward this to the legislative body for approval. Any questions, I would like...

SENATOR BAKER: Okay, thank you, Bill. Questions? Is this a reappointment? I don't see...

WILLIAM JACKSON: No, this is...

SENATOR BAKER: It's new.

WILLIAM JACKSON: Unlike some of these things, we have term limits and they can only serve two three-year terms. So about the time after six years when the board member is really getting the hang of it, we lose them and...

SENATOR BAKER: I thought that and it's interesting why you would have term limits on this particular board. Is it, there any other boards like this that have term limits?

WILLIAM JACKSON: I don't know. Somebody passed a bill in the Legislature years ago that, it's been there for as long as I've been around, 25 years.

SENATOR BAKER: And it's two three-year terms, not two four-year...

WILLIAM JACKSON: Two three-year terms.

SENATOR BAKER: That's interesting.

WILLIAM JACKSON: Yes, maybe we ought to put a bill in.

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SENATOR BAKER: We have enough bills out of this committee this year. (Laughter) Any other comments or questions of Bill? Seeing none, thank you for representing him.

WILLIAM JACKSON: Thank you.

SENATOR BAKER: Thank you. Anyone else wish to speak on behalf of Mr. Borgmann? If not, we'll move on to the Nebraska Railway Council.

CONFIRMATION HEARING ON
ROBERT KELLY, MICHAEL SHANNON, AND JAMIE KARL TO THE
NEBRASKA RAILWAY COUNCIL

SENATOR BAKER: Let's see, I got to get my notes. Are you here for Mike Shannon and someone else or just Mike?

ELLIS TOMPKINS: I'm here for all three members of the Rail Council, Senator.

SENATOR BAKER: All three? Okay. So that would be Jamie Karl, Robert Kelly, and Michael Shannon?

ELLIS TOMPKINS: Yes, sir.

SENATOR BAKER: Okay, go ahead.

ELLIS TOMPKINS: (Exhibits 11, 12, and 13) My name is Ellis Tompkins, that's T-o-m-p-k-i-n-s. I'm the rail and public transportation engineer with the Nebraska Department of Roads. I and my staff serve as staff to the Rail Council. John Craig, our director, is the head of the Rail Council. So I am here, these gentlemen could not be here today and they've asked me to represent them at this meeting. The Rail Council meets about once a year or as needed if we have some applications. These gentlemen have served on the council and have done a good job. They come to the meetings. So Mr. Kelly is having some health problems but we have talked to his family and we would ask that you go ahead and reappoint him at this time. And if he, health doesn't improve and he cannot continue to serve, then he would probably resign later and we would ask the Governor to

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appoint another gentleman at that time. But I think that all three of these folks have done a nice job and I would ask that you reappoint them.

SENATOR BAKER: Okay.

ELLIS TOMPKINS: Be glad to answer any questions.

SENATOR BAKER: Okay, thank you. And they are all reappointments, right?

ELLIS TOMPKINS: Yes, sir.

SENATOR BAKER: Yes. Any questions from the committee? Senator Aguilar.

SENATOR AGUILAR: Just one. You mentioned appoint another gentleman. Are ladies not...

ELLIS TOMPKINS: Oh, I'm sorry, I didn't...that was a misrepresentation on my part. Either another gentleman or a lady would be...

SENATOR AGUILAR: Thank you.

ELLIS TOMPKINS: ...wonderful by the Governor.

SENATOR BAKER: Any other...Senator Stuthman, do you have a question?

SENATOR STUTHMAN: Yes, Senator Baker. On this application of Robert Kelly, it's an old application on some of the references. I don't know...Senator Carson Rogers, if we'd have to call him long distance. (Laughter)

ELLIS TOMPKINS: I don't know him so I couldn't answer that.

SENATOR STUTHMAN: He's passed on already, so...but I know the application is from 2001.

SENATOR BAKER: Yeah, I noticed that, too. He does list Senator Erdman as his senator but I guess we'll go...what you're saying is, you've talked to the family and asked that he be reappointed?

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ELLIS TOMPKINS: Yes, sir.

SENATOR BAKER: And just go from there, I guess, hmm?

ELLIS TOMPKINS: We'll just go from there. I mean, he is having some very serious health problems at this point in time.

SENATOR BAKER: Um-hum.

ELLIS TOMPKINS: And we'll see how that goes. He's been a very loyal member of the Rail Council. He's from Sidney so he has a long way to travel. Typically, when they have a meeting, and he has always come to the meetings. And he's been very involved in the things that the Rail Council has done. So if his health improves, he will continue to be a very valuable member of the council.

SENATOR BAKER: Okay. And in defense of Mr. Kelly, I think he's had this health problem for a while and he may have taken parts of an old application or something or other and updated part of it and not other parts of it.

ELLIS TOMPKINS: That could very well be. He's been in the hospital, I think, since late January.

SENATOR BAKER: Yeah. That explains this, I think, Senator Stuthman. Some of this is old, some of it's new. Any other questions or comments on any of the three appointees to the Railway Council?

ELLIS TOMPKINS: Thank you very much.

SENATOR BAKER: Thank you, thanks. Does anyone here wish to...come on up.

JAMIE KARL: (Exhibit 14) Thank you, Mr. Chairman. My name is Jamie Karl, assistant director at the State Ag Department. And since I've come to the Ag Department nine months ago, my schedule is usually dictated to me. So I was told to be here and that's why I'm here. I didn't realize Ellis would be speaking on behalf of all three of us. So I've submitted testimony or a statement to the committee for

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the record and I'll just leave it there, if that's okay.

SENATOR BAKER: Thank you. Your staff is a lot like ours. They tell us where to be and what time and so on. (Laughter)

JAMIE KARL: Makes life easier.

SENATOR BAKER: Sometimes we listen, sometimes we don't. Any questions of Jamie? I don't see any. Thank you.

JAMIE KARL: Thank you.

SENATOR BAKER: Anyone else care to speak on behalf of the appointees to the Nebraska Railway Council? Seeing none, we'll keep moving along.

CONFIRMATION HEARING ON
DOUG KRISTENSEN AND JANIE PARK TO THE
NEBRASKA INFORMATION TECHNOLOGY COMMISSION

SENATOR BAKER: Nebraska Information Technology Commission, come on up. You're familiar with the committee.

BRENDA DECKER: You bet.

SENATOR BAKER: And you are here representing...?

BRENDA DECKER: Chancellor Kristensen.

SENATOR BAKER: Chancellor Kristensen, okay.

BRENDA DECKER: (Exhibit 15) Senator Baker, members of the Transportation and Telecommunications Committee, my name is Brenda Decker, last name is spelled D-e-c-k-e-r. I'm the chief information officer. The office of the chief information officer staffs the Nebraska Information Technology Commission. I'm here to answer any questions. Well, let me rephrase that. I'm here to attempt to answer any questions you may have about Chancellor Kristensen's appointment to the Nebraska Information Technology Commission. Chancellor Kristensen is out of town. He sends his apologies. I believe he's actually out of state. And I

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know that he is a former colleague of this group. As you all know, he was elected to represent the 37th Legislative District in 1988, 92, 96, and 2000. He's currently the chancellor at the University of Nebraska at Kearney. He has held, he is a partner in a law firm. He was the Kearney County attorney. I believe you have his resume in front of you. Governor Heineman appointed Chancellor Kristensen to finish out President Dough Smith's term on the NITC. His term actually ends in April so we're asking for Dr. Doug Kristensen to be appointed or confirmed for his appointment to fulfill President Smith's term. And I believe you will most likely see us coming back with a reappointment of Chancellor Kristensen again to start serving his own term on the commission starting in April. And with that, I'll attempt to answer any questions. We do, we are a term-limited group also. This is a, the NITC, you serve two four-year terms before you have to be replaced by someone else. So I will attempt to answer any questions.

SENATOR BAKER: Thank you, Brenda. Questions of Brenda? I think we're going to let you off today.

BRENDA DECKER: Great.

SENATOR BAKER: Thank you. Anyone else wishing to come forward on behalf of Chancellor Kristensen? I don't think we're going to question his credentials probably today. (Laughter) I don't see anyone else. Janie Park, come on up, please. We had been led to believe maybe you weren't coming but we're glad to have you here.

JANIE PARK: (Exhibit 16) Well, I thank you, Chairman Baker and distinguished members of this committee. I am pleased to be here actually. I'm enjoying my stay here in Lincoln. For the record, my name is Janie Park, P-a-r-k, and I live in Chadron, Nebraska. And I'm the president of Chadron State College. I'm pleased and honored to be appointed to the Nebraska Information Technology Commission and this is my first appointment. Living and working in western Nebraska and rural western Nebraska, I think I have a unique vantage point to work with the Information Technology Committee. Working in an area where there are more cows than people gives me this unique perspective. (Laughter) Economic development, of course, is critical in western

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Nebraska and information technology or robust structure of information technology is critical to economic development in that area. People who are considering locating in a rural area like western Nebraska are considering three things in addition to the wonderful lifestyle that we enjoy out there. But the three things are access to healthcare, access to education, and access to an information infrastructure that allows them to do business in Nebraska or in the world. And I think the goals and the vision of the Nebraska Information Technology Commission will go a long way to providing those things to western Nebraska, in particular, so that economic development is possible in that area. I look forward to serving on this commission and I'm glad to be here today. And if you have any questions, I'd be glad to answer them.

SENATOR BAKER: Thank you very much. Appreciate you being here today, all the way from Chadron. You'll have to get used to being in front of the committees. I'm sure as president of Chadron State, you'll be down here more often than you think, I'll bet.

JANIE PARK: Actually, I'm enjoying it and so I'm glad to be here. This is my first day in the Capitol Building though, and so I'm enjoying this.

SENATOR BAKER: Well, I see, your resume, I see you list a Texas connection though, is that...

JANIE PARK: I was born and raised in Texas, in El Paso, Texas. And went to college, my first degree is in, it was in a college in Texas at Baylor University.

SENATOR BAKER: You've been lots of places since then, haven't you?

JANIE PARK: I have.

SENATOR BAKER: Questions? I have one.

JANIE PARK: Yes.

SENATOR BAKER: I was on the Distance Learning Task Force and so was Brenda. How would you rate Nebraska

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with...you've obviously had experience all over the country.

JANIE PARK: Um-hum.

SENATOR BAKER: Are we, where are we in the mix?

JANIE PARK: In distance education?

SENATOR BAKER: Yes.

JANIE PARK: The colleges and the...well, I can't speak for the universities. The colleges are doing very well in terms of distance education. We, just for instance, at Chadron State, about a fifth of all of our students are at a distance. And so we are doing very, very well by that. We have 14 full degree programs on-line and over the ITV, which, you know, gives students at a distance or adult learners the ability to go to college. So we're actually doing very well. Where we probably could do better is in linking higher education and K-12 in distance education. I think that we, out in western Nebraska, could do something to help in No Child Left Behind and those kinds of initiatives in providing some classes for high schools and so forth to help them meet some of those standards. So I think we probably, in Nebraska, could do a little bit better there. But I think the colleges are doing very well in that aspect. And the university may be also, I just don't know the university system as well in Nebraska yet.

SENATOR BAKER: Okay, that's interesting because I believe the University of Nebraska here in Lincoln is going to start working on some secondary delivery and that would seem like you should be able to work into that mix also and I...

JANIE PARK: I would hope so...

SENATOR BAKER: ...probably will.

JANIE PARK: ...some dual-credit kind of programs that would both save the state some money as well as give some of the better students the opportunity to actually get some college credits while they're still in their senior year or junior year of high school would be a very good thing.

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SENATOR BAKER: This would be delivered interactive Internet-based?

JANIE PARK: Yes, either that or...either through the Internet or through interactive video.

SENATOR BAKER: Um-hum. Good, glad to hear that. Any other questions or comments of President Park here? No questions? You serve my area of western Nebraska and south. But we used to be in what was Kearney State College area.

JANIE PARK: Um-hum.

SENATOR BAKER: Now of course we're at Chadron. So I'm interested in hearing what you plan and hopefully what we can get done.

JANIE PARK: Well, I would like to talk with you, Senator Baker.

SENATOR BAKER: That would be good.

JANIE PARK: Thank you.

SENATOR BAKER: Thank you, thank you for being here today and welcome to the Capitol.

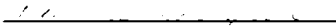
JANIE PARK: Thank you. I feel very welcome in the state of Nebraska. Thank you.

SENATOR BAKER: Good. Any other questions or comments? I don't see any. Thank you very much.

JANIE PARK: Thank you.

SENATOR BAKER: Anyone else wishing to speak on behalf of President Park, anyone? Guess not...that would conclude our hearings today. I want to thank the people that are left here who are sticking around and that will conclude our confirmation hearings for today. Thank you.


Chairperson


Committee Clerk